



Appeal Decision

Hearing held on 5 July 2022

Site visit held on 5 July 2022

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2022

Appeal Ref: APP/X5210/Y/21/3284736

48 Mornington Terrace, London, NW1 7RT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Luke Chandresinghe against the decision of the Council of the London Borough of Camden.
 - The application Ref 2020/5037/L, dated 30 October 2020, was refused by notice dated 13 April 2021.
 - The works proposed are described as "Listed Building Application for works across all floors, comprising: removal and installation of replacement sash windows and drainage pipe (front elevation); alterations to internal walls and plan form generally; new/replacement shutters, flooring, ceiling, and fireplaces and surrounds; replacement staircase; alteration to front lower ground steps; rendering of vault; alterations to joinery generally; removal of rear wall and erection of fully glazed full width rear extension and glass roof to rear return (retrospective)".
-

Decision

1. The appeal is dismissed insofar as it relates to:
 - removal and replacement of timber sash windows with double glazed units with square section glazing bars and framing (11 – ground floor, 18 – first floor, 22 – second floor),
 - removal of front sash window and installation of an enlarged sash window (1),
 - removal of original rear wall (3) and introduction of a fully glazed full width rear extension (7) and glass roof to rear return (16),
 - installation of louvred shutters (14 – ground floor, 19 – first floor),
 - rendering of vault to create bathroom (8),
 - removal of original spine wall in basement (2),
 - replacement staircase in basement (5),
 - basement floor depth lowered throughout (6),
 - reordering of front garden basement steps (9),
 - removal of marble chimney surrounds and hearths with new chimney surrounds to ground floor (12) and first floor (17),
 - removal of double doors between principal rooms and installation of metal frame on the ground floor (13),
 - the installation of a bathroom and associated works, including external drainage pipe to the front elevation on the second floor (21 and 28),
 - the removal of the plaster ceiling and wall plaster on the third/attic floor (25) and attachment of reclaimed floor-boards attached to underside of roof structure (26).

2. The appeal is allowed, and listed building consent is granted for removal and replacement of attic windows (27), installation of flooring (15 – ground floor, 20 – first floor, 24 – second floor, 25 – third floor/attic) and installation of louvred shutters (23 – second floor and attic floor) in accordance with the terms of application ref 2020/5037/L, dated 30 October 2020 and the plans submitted with it.

Preliminary Matters and Background

3. This appeal follows the refusal of the Council to grant listed building consent for various internal and external works at 48 Mornington Terrace. The application has been made retrospectively and comprises a number of individual elements which have facilitated the renovation of the property and the separation of the lower ground level. Details of the works applied for in this application are set out in the submitted "List of Works". For clarity I have referenced the item numbers used in this schedule when dealing with the various elements of the scheme individually below. Furthermore, I have not dealt with alterations to the property which are not specifically detailed within the List of Works.
4. The description of development includes a reference to "alterations to joinery generally". I have not been provided with any specific details of what these alterations may be, and for the avoidance of doubt have considered only the matters put to me, specifically those set out within the "List of Works".
5. The List of Works includes "works on the second floor include the introduction of glazed screens and the installation of a bathroom, timber cladding, bathroom drainage". The glazed screens and timber cladding have subsequently been removed and do not form part of the application.
6. Planning permission for change of use¹ of the basement has been refused and is not within the scope of this appeal. For the reasons set out below I have also found that the painting of shutters at first floor level does not require listed building consent in this case.
7. The scheme includes a rear extension at lower ground and ground floor level. Permission was previously granted² in 2014 for an extension. The Council are of the view that the extension constructed was not in accordance with the permitted scheme. The appellant does not dispute this view.
8. The appeal building lies within the Camden Town Conservation Area.

Main Issue

9. Accordingly, the main issue for the appeal is the impact the works would have on the listed building, known as "48 Mornington Terrace" or on any features of special architectural or historic interest that it possesses and whether the proposal would preserve or enhance the character or appearance of the Camden Town Conservation Area.

¹ Appeal Ref APP/X5210/C/20/3263558 & APP/X5210/C/20/3263559 upheld enforcement notice ref EN20/0163 which related to the material change of use of the basement of the property from part of residential dwelling (use class C3) to an office (Class E). Retrospective planning permission was subsequently refused ref: 2020/5040/P

² Ref 2014/27441/P

Reasons

10. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. S72(1) of the Act requires special attention to be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
11. Policy D1 (Design) of the Camden Local Plan 2017 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Policy D2 (Heritage) states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. It also states that the Council will not permit development that results in less than substantial harm to the asset unless the public benefits of the scheme convincingly outweigh such harm. Policy HC1(Heritage conservation and growth) of the London Plan sets out a duty to ensure proposals affecting heritage assets and their settings, should conserve their significance. It also recognises that the cumulative impacts of incremental change from development on heritage assets and their setting should be actively managed. Policies D2 of the Local Plan and HC1 of the London Plan broadly reflect the statutory duty set out in the Act.
12. The building forms part of a Listed Grade II early Victorian terrace of 27 houses. It was constructed on the Mid-19th Century in yellow stock with slate mansard roofs. The buildings have 3 storeys along with an attic and semibasement. The front façade comprises 2 windows on each on the upper floors, a panelled door with fanlight, pilasters and stucco portico. Individual properties are demarcated by stucco fluted Ionic pilasters which rise through the 1st and 2nd floors to carry entablature at 3rd floor level. A continuous decorative cast iron balcony runs along the terrace at first floor level. The terrace would have been constructed as a symmetrical piece potentially with a facing terrace that has since been removed to facilitate the railway.
13. It was listed in 1974 and despite some alteration the front façade retains a high degree of uniformity. The rear elevation of the terrace is less intact, containing a variety of extensions and alterations made to properties that form the terrace, which within the enclosed gardens are viewed alongside rear alterations to Albert Street to the east and Delancey Street to the north.
14. The listing does not contain details of the interior. I do not consider this to imply that the interior of the building is of no historic value, or that the historic floorplan and features within it do not contribute to the character and significance of the asset. The interior layout is typical of the terraced property of the period. The basement is accessed via steps to one side of a front light-well with coal vaults beneath the pavement. The basement level would have housed the kitchen with a smaller room to the rear and a closet wing. At street level, a bridge across the light wells gives access to the front door which leads

to the entrance hallway and the main stairs which runs along the party wall. The two main rooms at ground floor level would each have had a fireplace which formed the focus of the rooms. The closet wing would have included a small room and fireplace. The first floor would have accommodated the primary reception room, the room of highest significance, stretching across the entire frontage of each house with a smaller room to the rear, each focused on the fire place. The second and third floors would have supported smaller domestic rooms, a smaller room to the back and a larger room to the front, sometimes divided on the upper most attic floor. These floors would also have included fireplaces on the party walls.

15. The special interest of the heritage asset lies in its special interest as part of a group of similar properties and the contribution they make to the wider streetscene. It also has significance as what appears to have been a relatively well-preserved example of a dwelling of its type and period.

Removal and replacement of timber sash windows with double glazed units with square section glazing bars and framing (11 – ground floor, 18 – first floor, 22 – second floor, 27 – third floor/attic)

16. The windows on the property have been replaced at ground, first, second and attic level. The previous two over two single pane windows have been replaced at ground and second floor level with double glazed units with a six over six glazing pattern. At first floor level the previous six over six pattern has been replicated and replaced with double glazed units. These have a square section which although not evident from outside, is clearly apparent when within the building.
17. I noted on site that some nearby properties had a two over two pattern on some of the windows but that the predominant glazing pattern was six over six. The use of this pattern is therefore not a matter which in itself is inappropriate. The form and dimensions of the overarching frames have also not been altered. However, the use of double glazing is clearly evident in views of the front façade. Whilst the visual effect is subtle, it is nonetheless easily identified when seen alongside single pane glazing on nearby properties and results in a flat and overly reflective pattern of glazing. Whilst there are a small number of other instances of double glazing being used on the terrace, these too have an erosive effect on the character of the terrace.
18. The use of a square section on the windows is not immediately apparent outside the dwelling and so has no discernible impact on the wider terrace. Nevertheless, when within the dwelling the square section lacks some of the finer detail of a more articulated profile. When viewed in combination with the flatter appearance of the glazing the windows have a perceptibly contemporary appearance which draws attention to the fact that they are modern replacements. The harm identified would amount to less than substantial harm, which the Framework indicates should be weighed against the public benefits of the scheme.
19. I am advised that the previous windows were severely degraded and required replacement to ensure the upkeep of the building, and to ensure its energy efficiency and its security. However, I have been provided of no evidence of the condition of the previous windows and so cannot substantiate the appellant's claims in relation to degradation or security. Furthermore, although the replacement of the windows has provided uniformity of appearance across

the dwelling, any such benefits are to my mind firmly outweighed by the harm arising from the appearance of the double glazing. Neither am I convinced that any benefits arising from energy efficiency could not be similarly provided, at least in part, by well fitted single pane windows with secondary glazing. This diminishes the weight I attribute to this factor as a benefit and so the public benefits of these elements of the scheme are insufficient to outweigh the harm identified. It follows that this element of the proposal fails to comply with national policy outlined in the revised Framework.

20. With regard to the windows at attic level³, I note that these are a replacement of what appear to have been steel top-opening frames. The photographic evidence supplied shows these to be in a poor state of repair. The replacements, which are six over six sashes would represent a visual improvement over and above that which was previously in place. I noted on site that from the street the windows are not prominently visible, and that it is not immediately evident that the windows are double glazed, although the glazing and square profile of the glazing bars are still evident when inside the building and give rise to less than substantial harm, albeit on the lesser end of any spectrum of harm. However, taking account of the improvement that the replacement of the previous degraded and unsightly windows have brought to the streetscene, I am satisfied that the public benefits of this element of the works outweigh such harm and the works do not conflict with guidance in the Framework.

Installation of Louvred Shutters (14 – ground floor, 19 – first floor (comprises painting of existing shutters only), 23 – second floor, attic (no reference)

21. Louvred Shutters have been installed on the ground, second and attic floors. At ground floor this has involved the removal of wooden shutters. The Council and appellant dispute whether these were part of the original fixtures and whether they were in a usable condition. It is now not possible to ascertain when the removed shutters were installed, but photographs show them to fit appropriately within the window frame and to appear in keeping with the period of the property. These have been replaced by modern louvred shutters on a demountable frame. These extend beyond the wider timber frame which housed the original shutters and so do not fit comfortably within the wider recess. As a result, and also by reason of their size and design they appear out of place in the context of the neat Victorian proportions of the existing frames. Although not clearly apparent when outside the building, and removable, they form a visual distraction when inside, that detracts from the historic character of the building. The harm identified would amount to less than substantial harm, which the Framework indicates should be weighed against the public benefits of the scheme.
22. The appellant states that the shutters would bring public benefits by way of energy efficiency and thereby sustaining the long-term occupation and maintenance of the property. As any benefits by way of shading could be achieved through a more visually appropriate means I give no weight to this matter as a public benefit. Accordingly, the public benefits of this element of the scheme are insufficient to outweigh the harm identified. It follows that this element of the proposal fails to comply with national policy outlined in the revised Framework.

³ Item 27 in the Schedule of Works

23. At first floor the existing timber shutters have been painted in a dark blue colour. The Council allege that this requires listed building consent. Whilst I accept that in some cases painting of an interior, if it significantly alters the character of the interior of a listed building, or would obscure or alter historically significant decorative features, may require listed building consent. However, in this case, the detailing on the shutters is still clearly apparent and the finish does not, in my view, alter their function or significantly alter the character of the interior. I therefore do not consider that listed building consent is necessary for this element of the works.
24. At second and attic level louvred shutters have been installed, although the Council do not allege that original shutters have been removed. Unlike the works at ground floor level the shutters on the upper windows have been installed onto simple frames and consequently do not obscure any features of the building or appear overly large. Therefore, although they are of contemporary design, they have a broadly neutral effect on the character of the building and as such preserve the listed building. I therefore find no conflict with the statutory duty in the Act, or with guidance in the Framework.

Installation of Flooring (15 – ground floor, 20 – first floor, 24 – second floor, 25 – third floor/attic)

25. Throughout the property new wooden flooring has been laid. I noted on site that this has been laid on top of the existing flooring, which comprises a variety of finishes, including original boarding and modern tiling. In some places the original skirting has been reused.
26. The flooring has a neutral appearance and is reversible, being easily removed to reveal remaining original flooring if the owner wishes to do so. I note the Council's concerns, that original skirting may have been removed to facilitate the works. However, I have no evidence to conclude that this is the case and noted on site that throughout the building the skirting used appeared in keeping with the property.
27. I am therefore satisfied that the installation of flooring has a broadly neutral effect on the property, and as such preserves the listed building. I therefore find no conflict with the statutory duty in the Act, or with guidance in the Framework.

Works at Basement Level

Removal of Front Sash Window and Installation of an Enlarged Sash Window (1)

28. Prior to the works which are the subject of this appeal the existing front basement window was a single glazed six over six vertically sliding timber sash window. This has been replaced with a nine over nine timber sash double glazed window. The replacement window is deeper than the previous window and the pattern of glazing has a more horizontal emphasis than the window it replaces.
29. The window that was replaced would appear to have been non-original. I noted on site that other basement windows had been replaced along the terrace and that the sash style of window is broadly in keeping with the style of the property. Furthermore, due to the position of the window, and the presence of landscaping at ground floor level, the window is not a prominent feature in views of the asset from the street.

30. Nevertheless the larger size of the opening would be evident in some views from the street and the larger opening would be clearly evident when within the property. Notwithstanding the fact that the window that was removed was itself not original, it was, nonetheless, of an appropriate proportion for its position within the building and would appear to have been made up of single panes. As a "lower order" window it would be expected to be smaller than those on the main storeys and so its larger size erodes the historic character of the building. This would be compounded by the use of double glazing, the flat appearance of which has caused a perceptible change in appearance. These changes harm the appearance of the individual property and together with other changes along the terrace further erode the uniformity of the terrace, both of which are attributes that contribute to the asset's significance. The works would therefore cause less than substantial harm to the asset. The Framework directs such harm should be weighed against the public benefits of the proposal.
31. The appellant contends that the works facilitate a more intensified use of the lower level, and assist with its ongoing maintenance, energy efficiency, upkeep and ultimate preservation. I noted on the site that the larger opening would allow a greater amount of light into the front of the building at basement level. It would also assist with energy efficiency. However, I have no evidence that the previous living conditions were previously in any way unacceptable, or that the previous window was in poor condition or difficult to maintain. This diminishes the weight I attribute to these matters as public benefits which would be insufficient to outweigh the harm identified. It follows that this element of the proposal fails to comply with national policy outlined in the revised Framework.

Removal of Original Spine Wall (2)

32. The works at basement level include the removal of a wall located between the previous front and rear rooms. This included glass double doors within it. The appellant states that the wall was not original, being constructed in plasterboard with a steel support. As the fabric of the wall has been lost and not recorded, I cannot be assured that original fabric has not been lost. This matter notwithstanding, the appellant does not dispute that a wall would have stood in this location originally.
33. The spine wall retains a "nib" at either side, one located at the bottom of the new staircase. Both are relatively shallow and whilst they are visible, they do not provide any sense of separation. Any perception of the original cellular plan form of the basement has been almost entirely lost. This harms the historic character of the building and reduces the ability of users to appreciate the evolution of the building. The harm identified would amount to less than substantial harm, which the Framework indicates should be weighed against the public benefits of the scheme.
34. The works would allow more light through at basement level. However, I have no evidence that living conditions were previously substandard, and note that the space was used as a garden flat with the spine wall intact. I therefore give no weight to this, or the contention that the works facilitate the ongoing occupation and long term upkeep of the building as a public benefit. It follows that the public benefits are insufficient to outweigh the harm identified and that

this element of the proposal fails to comply with national policy outlined in the revised Framework.

Chimney Breast Removed (4)

35. I noted during the site visit that the chimney breast was still intact behind panelling that had been installed to either side. Furthermore, the appellant has confirmed⁴ that he has no intention of removing the chimney breast and that as such is not seeking listed building consent to do so. Therefore, although the matter was alleged by the Council, in the event this is not a matter which forms part of the application.

Staircase Removed (5)

36. The stair from lower ground level to ground floor have been removed and replaced with a stair of contemporary design in the same location. This is open-sided and constructed in light timber. I am advised that the previous staircase was not original and photos of the stair railings and under-stair cupboard show that these are likely 20th century, although as the previous staircase has been removed, I cannot be assured that none of its fabric was original or that the structure was degraded and required replacement.
37. The replacement is a lightweight structure of contemporary design. Due to the materials used it appears flimsy and more decorative than functional and so oddly out of place. The open side suggests it is not frequently used, reducing the perception of connection that the basement would historically have had with the upper floors of the building. The incongruous appearance of the structure has led to harm to the historic character of the building. The harm identified would amount to less than substantial harm, which the Framework indicates should be weighed against the public benefits of the scheme.
38. The appellant contends that the introduction of additional steps makes the stair more usable, but the open side appears unsafe given the narrow width of the structure and the return at the top and so I cannot accept that it facilitates the better functioning of the space. I therefore give no weight to this matter as a public benefit and it cannot outweigh the harm identified. It follows that this element of the proposal fails to comply with national policy outlined in the revised Framework.

Floor Depth Lowered Throughout (6)

39. Throughout the basement the floor level has been lowered by around 37cm, increasing the room height. Basement rooms would typically have had lower ceilings, in keeping with their status as servants quarters and the change in ceiling height has altered the historic hierarchy of the building. I noted on site that the increase in height was quite marked, and that the resulting space was relatively airy and more open than I would have expected from a basement space. This represents an alteration in the character of the building that is a departure from the typical Victorian order and which harmfully erodes its historic character. The harm identified would amount to less than substantial harm, which the Framework indicates should be weighed against the public benefits of the scheme.

⁴ Oral evidence at the hearing

40. The appellant has stated that the works were necessary to deal with a damp problem and that the works have enabled the installation of a damp-proof membrane, and improved the structural stability of the building, thereby benefiting the long-term maintenance and integrity of the building. However, I have been provided with no details to substantiate that the works were necessary, and in any case, repair works would not necessitate a lowering of floor level. Therefore, whilst it is clear that the floor lowering, along with the removal of the spine wall and the removal of the rear wall all provide a brighter more usable space than the basement previously would have provided, I cannot conclude that the floor lowering was necessary to maintain the property.
41. Furthermore, from the submitted photos, the previous ceiling height did not appear impractical, and I have no evidence that it provided an unacceptable quality of accommodation. This diminishes the weight I attribute to any public benefit derived from any improvement to the utility of the space provided by the floor lowering. Such benefits would, to my mind, be insufficient to outweigh the harm that would arise as a result of the significant alteration in the character of the space. It follows that this element of the proposal fails to comply with national policy outlined in the revised Framework.

Removal of Original Rear Wall (3) and Introduction of a Fully Glazed Full Width Rear Extension (7), Glass Roof to rear return (16)

42. The removal of the rear wall and erection of a full width rear extension are listed separately in the List of Works but as the two elements are inseparable, I have considered them together.
43. The works as implemented provide a full width extension at basement level, removing the original rear wall in its entirety and leading to a loss of historic fabric. The open plan form also removes any reference to a closet wing, which although possibly not original in this case would have been part of the historic plan form. Although "nibs" have been left to either side of the original rear wall, these are of insufficient depth to effectively reference the original floorplan. Furthermore, the works have resulted in an open plan space which is larger than any of the rooms above, disturbing the historic hierarchy of the building. The use of clerestory style windows is also uncharacteristic of a building of this type and period. Together the loss of original floorplan and layout of the enlarged space have eroded the historic character of the building.
44. The structure extends across the width of the property at basement level, and extends to half the width of the extension at ground floor level. However, this fails to effectively replicate any reference to an historic closet wing because the full width of the plot is occupied by a raised area above the clerestory windows at basement level. This is in turn enclosed by a glazed roof.
45. The resulting extension appears bulky, despite only occupying half the width of the building at ground floor. The lightweight steel frame with infill panels is an obvious departure from the traditional rhythm of brick and void evident on the existing building and results in a stridently contemporary structure, the appearance of which sits uncomfortably with the traditional form of the rear façade. The discordant effect is emphasised by both the full width strip of clerestory windows along the bottom of the rear elevation which gives the structure a strongly horizontal emphasis and the position of the glazed roof, which cuts across the rear window at ground floor level. As a result, the

extension appears incongruous and fails to preserve the historic character of both the building and the Camden Town Conservation Area.

46. The harm identified would amount to less than substantial harm, which the Framework indicates should be weighed against the public benefits of the scheme.
47. The works replace a previous single storey extension⁵ which due to its depth, its fenestration and roof detail also failed to preserve the special character of the building or the Conservation Area. However, I am not convinced that the works as carried out represent a visual improvement over and above this previous situation and so I attribute no weight to this factor as a public benefit.
48. A previous permission was granted in 2014 for a rear extension in this location, although this retained an historic rear extension on the site of the original closet wing and infilled the remaining space at basement level only. As a fallback it represents a significant visual improvement over and above that constructed and so it does not, to my mind, alter my concerns above.
49. The appellant has drawn my attention to the design of the garden room, which is of a similar contemporary design. I agree that a contemporary treatment need not be inappropriate in the context of a listed building. However, in this case the bulk of the extension, and the incongruity of the glazing pattern in close proximity to the original building, results in a structure that overwhelms the original building rather than complements it.
50. The appellant contends that there is no rhythm to how extensions have been implemented to the rear of the terraces and adjoining streets, but I disagree. Although extensions do vary in size and form, the original pattern of closet wings forming subservient projections to the rear remains clearly evident in views in and around the rear of the site. In this regard the proposal also fails to preserve or enhance the character or appearance of this part of the Camden Town Conservation Area.
51. The works have resulted in a light and airy interior space at basement level and improved functioning and practical use of the lower levels of the building, thereby enhancing habitability of the building generally. Although this is primarily a private benefit it also results in an improvement in the housing stock and can be considered a public benefit. Nonetheless, I consider it to be insufficient to outweigh the harm that has arisen as a result of the significant alteration in the external appearance of the building and the character of the interior space. It follows that this element of the proposal fails to comply with national policy outlined in the revised Framework.

Reordering of Front Garden Basement Steps (9)

52. The front steps to the basement have been removed and replaced as part of a remodelling of the front garden and entrance to the basement. This includes the provision of a return to the steps which is necessary due to the lowering of ground level at basement level. The Council consider that the works represent an unnecessary aggrandisement of the entrance in connection with the use of the basement for business use.

⁵ Details taken from Appendix F of the appellant's Statement of Case.

53. Photos submitted as part of the application show that the previous steps were constructed in concrete and so taken in isolation the works have not led to any loss of historic fabric. Furthermore, much of the visual change that has occurred is derived from the use of structural planters at ground floor level and the painting of the exterior walls to the basement and entrance. Nevertheless, the new steps are only necessary to facilitate the lowering of the ground level across the building. The works therefore contribute to an alteration in the established historic hierarchy of the building which harmfully erodes its historic character, amounting to less than substantial harm.
54. As I have no substantive evidence to suggest that the previous steps were unsafe or otherwise unsuitable, I attribute negligible weight to improved public safety from the additional steps as a public benefit. This is insufficient to outweigh the harm that has arisen to the historic character of the building. It follows that this element of the proposal fails to comply with national policy outlined in the revised Framework.
55. The List of Works also refers to a change of use of the basement from residential to offices (10). This matter was the subject of a separate planning application and subsequent appeal and is not a matter which is before me.

Rendering of Vault to Create Bathroom (8)

56. One of the vaults at basement level has been rendered to facilitate the installation of a bathroom. The appellant contends that this has been carried out in lime-based render. The Council consider that the works have been carried out in cement and the finish has the appearance of micro-cement. No documentary details have been provided of how the works have been carried out, including details of what materials have been applied to the surface brick underneath the finish. I note that the use of cement risks damage to the underlying brickwork. However, in the absence of construction details, I cannot conclude that the works have been structurally harmful.
57. Notwithstanding this, the rear wall of the vault has been squared off, unlike that of the adjoining vault, and this has obscured an original feature, to the detriment of the historic character of the space amounting to less than substantial harm. I have been advised that the works were necessary in response to a degradation of the vault which was leaking. Again, I have no evidence of this and so can give it no weight as a public benefit and whilst I am advised the vault now has a damp-proof course, as I have no construction details for it, I cannot be assured that this is indeed the case.
58. The provision of the bathroom would bring some improvement to the facilities within the dwelling and this would assist in the long-term occupation of the building. The other works necessary to implement the bathroom on site, including the installation of services are not part of the application and no details of these works and how they have been carried out has been supplied. I therefore cannot be assured that it has been carried out in a manner which takes proper account of the need to minimise loss of historic fabric, or the long-term upkeep of the building. This diminishes the weight I can attribute to the provision of the bathroom as a public benefit. The public benefits of this element of the scheme would therefore be insufficient to outweigh the harm identified. It follows that this element of the proposal fails to comply with national policy outlined in the revised Framework.

Cumulative Impact of Works at Basement Level

59. In coming to a view I have thought about whether the works at basement level should also be considered as a whole, as some are clearly inter-related, and together they facilitate the provision of a large open plan space, which the appellant has previously used for work. In this regard I take into account whether the cumulative benefits of the works would outweigh the harm identified.
60. The works have resulted in a large open plan contemporary space, which would be suitable for a range of activities, including as a work-space for a number of residents. In that it provides a more adaptable and usable space for the household it improves the quality of accommodation provided and this assists with the long-term usability of building, helping to preserve it for future use.
61. However, the works have caused loss of historic fabric, visual harm to both the asset itself and the Camden Town Conservation Area and harm to the historic character of the building amounting to less than substantial harm to the heritage asset. Taken together this harm significantly outweighs the identified public benefits of the scheme. It follows that taken together these elements of the scheme fail to comply with national policy outlined in the revised Framework.

Other Works

Removal of Marble Chimney Surrounds and Hearths with New Chimney Surrounds to Ground (12) and First Floor (17)

62. The description of development refers to new/replacement fireplaces and surrounds at ground floor level. The submitted floorplans show the previous floorplan with fireplaces in place in both the front and back room at ground floor level. Details of a replacement are provided only for the fireplace in the front room. Within the rear room the space where the fireplace would have been located is enclosed by fitted kitchen units and there was no evidence of either the original fireplace or a replacement surround. I have therefore dealt only with the replacement surround in the front room at ground floor as set out in the application form and the matter of the removal of any fireplace in the rear room remains with the Council.
63. In the front room at ground floor level and at both the back and front of the first floor level the previous marble surrounds have been removed and replaced with much larger, more ornate surrounds. The previous fire pieces have been retained. The appellant disputes that the previous surrounds were original, stating that they were constructed in pieces and so were later replacements. However, as the previous surrounds have been removed from site this cannot be verified. I consider it quite possible that the previous surrounds were original to the building as the simple styling is appropriate to the period. In any case, the simplicity of the previous fireplaces did not harm the character of the building and appeared to sit comfortably within the rooms they were located in. In contrast the replacements are larger and more ornate being more akin to those of a Georgian or Edwardian property than an early Victorian one. On the ground floor the style of the fireplace appears particularly incongruous as it dominates the relatively small space. The new fireplaces therefore lead to a small but tangible erosion of the character of the historic interior.

64. The appellant has not put forward any public benefits to support the replacement of the fireplaces. Therefore, although the harm identified is very much on the lesser end of the scale of less than substantial harm, the public benefits of the scheme cannot therefore outweigh the harm identified. It therefore follows that this element of the proposal fails to comply with national policy outlined in the revised Framework.

Removal of Double Doors Between Principal Rooms and Installation of Metal Frame Ground Floor (13)

65. At ground level the previous timber frame and door to the opening between the principal rooms has been removed and the remaining opening has been replaced with a metal collar or lining. The appellant contends that the opening was not original and that as such the removal of the joinery has not led to a loss of original fabric. As the works have already taken place and the material removed, I cannot be assured whether this is the case, but it is entirely possible that rooms of this size would have has an opening of this type.
66. The works have not altered the layout of the rooms or the legibility of the space. However, the appearance of the opening now has an almost industrial appearance which appears odd in the context of the confined Victorian layout. The incongruity of the material applied to the wall in this fashion results in a stark and intrusive finish which fails to preserve the character of the listed building amounting to less than substantial harm to the asset.
67. The appellant has not put forward any public benefits to support the door removal and metal frame. Therefore, although the harm identified is very much on the lesser end of the scale of less than substantial harm, the public benefits of the scheme cannot outweigh the harm identified. It therefore follows that this element of the proposal fails to comply with national policy outlined in the revised Framework.

The Installation of a Bathroom and Associated Works, Including External Drainage Pipe to the Front Elevation on the Second Floor (21 and 28)

68. The works include the removal of a bathroom on the second floor and the installation of a new bathroom, in a different position, along with a separate WC. To service the new bathroom a plastic service pipe has been introduced onto the front elevation on the building. I note that before the new bathroom was installed the appellant has located the new bathroom in a different location on the floor and has subsequently moved it, removing the interim works. These various alterations will have involved the removal of stud partitioning, some of which may have been original, although it is no longer possible to tell. It is also unclear whether previous works have involved the removal and reinstatement of a fireplace.
69. The bathroom is served by an unsightly plastic service pipe which is located on the front elevation of the building. In common with a number of other dwellings in the terrace the property already has a centrally placed cast-iron down pipe on the front elevation. The additional pipe is utilitarian in appearance and clutters the front elevation, providing a distraction from the otherwise balanced proportions of the façade, an attribute which contributes to its significance as a heritage asset. It is therefore an unsightly addition that fails to preserve the special character of the listed building. It also fails to preserve or enhance the appearance of the Conservation Area. The appellant

has stated that he is willing to replace this with a cast-iron pipe, secured by condition, but this would not significantly alter the appearance of the pipe or remove the harm caused. The harm identified would amount to less than substantial harm that must be weighed against the public benefits of the scheme.

70. The floorplan on the second floor will have been historically altered as a result of the installation of the previous bathroom and the new configuration has a broadly neutral impact in this regard. It facilitates a separate WC which allows for a more useful and practical configuration that enhances the quality of accommodation provided. This is a public benefit which weighs in favour of the scheme. The new configuration also alters the proportions of the rooms which allows the fireplaces in the remaining two bedrooms to be better appreciated and I also attribute this some limited weight as a public benefit.
71. However, the internal configuration appears to rely on the external downpipe as a means of drainage and I cannot be assured, based on the evidence put to me, that the existing configuration could be retained with an alternative drainage arrangement that does not harm the appearance of the front façade. Having regard to the extent of harm to the appearance of the exterior of the building, the public benefits of this element of the scheme would therefore be insufficient to outweigh the harm identified. It follows that this element of the proposal fails to comply with national policy outlined in the revised Framework.

The Removal of the Plaster Ceiling and Wall Plaster on the Third/Attic Floor (25) and Attachment of Reclaimed Floor-Boards Attached to Underside of Roof Structure (26)

72. At third floor level plaster has been removed from the walls and the ceiling has been removed, leaving the underside of the roof visible. This has been finished with reclaimed timber. This has led to a loss of original fabric. The appellant advises that the works were necessary to deal with a water leak from a ceiling tank, although no substantive evidence has been supplied in this regard so I cannot conclude that the works were necessary to maintain or preserve the building. The resulting finish to the rooms has an industrial aesthetic, which is at odds with the historic character of the building. In this regard the appearance of the rooms has led to an erosion of the historic character of the dwelling. Together with the loss of historic fabric this amounts to less than substantial harm to the significance of the asset, albeit on the lesser end of the scale. The Framework directs that such harm must be weighed against public benefits, of which none have been put to me. It follows that the public benefits of the scheme cannot outweigh the harm identified. It therefore follows that these elements of the proposal fail to comply with national policy outlined in the revised Framework.

Other Matters

73. At the hearing it was put to me that as the works were retrospective, if the application was refused, these works may not be easily rectified, or the works to rectify may themselves be intrusive. I have come to the view that whether or not the works can be rectified should not be a material consideration in considering whether or not Listed Building Consent should be granted. To do otherwise, would be to potentially allow works that would otherwise be unacceptable to be considered such as a consequence of being carried out in advance of obtaining lawful consent. It is instead a matter for the Local

Authority in considering whether to take enforcement action with regard to any unauthorised works.

Conclusion

74. For the reasons set above some elements of the proposal would therefore be contrary to paragraph 132 of the National Planning Policy Framework (the Framework), which directs that great weight should be given to the conservation of designated heritage assets, and with local policies which has similar aims. I consider D2 of the Camden Local Plan and Policy HC1 (Heritage conservation and growth) of the London Plan to be most relevant and find that although some elements of the proposal would have a neutral effect and would not impact on significance, for the reasons set out above other parts of the proposal would fail to comply with the requirement to that proposals affecting heritage assets and their settings, should conserve their significance.
75. Therefore, for the reasons outlined above, and having regard to all other matters raised, I conclude that the appeal be allowed with regard to removal and replacement of attic windows (27), installation of flooring (15 – ground floor, 20 – first floor, 24 – second floor, 25 – third floor/attic) and installation of louvred shutters (23 – second floor and attic floor). For all other elements of the proposal the appeal is dismissed.

Anne Jordan

INSPECTOR

APPEARANCES

For the Appellant

Luke Chandresinghe – Appellant

Heidi Copland – DMH Stallard

Sarah Hufford – ECE Planning

Sarah Burdis – The Heritage Advisory

For the Council

Deirdre Traynor – Principal Planning Officer (Appeals) Camden Council

Angela Ryan – Principal Planning Officer (Enforcement) Camden Council

Antonia Powell – Senior Conservation Officer Camden Council

HEARING DOCUMENTS

1. Extracts from the Camden Local Plan
2. Paper Copy of the List of Works
3. Signed Statement of Common Ground
4. Written Submissions from the Appellant in Response to Inspector Questions 7 July 2002
5. Written Submissions from the Council in Response to Inspector Questions 7 July 2002
6. Further Response from the Appellant in Response to the Council's Submission – 25 July 2022